

# North York Moors National Park Authority

27 July 2020

## Extension of Elected Posts of Members

### 1. Purpose of the Report

- 1.1 As a result of the ongoing CV19 circumstances and the impact on Authority meetings, to seek Members' views on, and approval of, an arrangement for the extension of elected posts of Members.

### 2. Background

- 2.1 The *Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* (SI 392/2020) came into force on 4 April 2020. They apply to meetings of the Authority that are required to be held, or are held, before 7 May 2021.

- 2.2 Part 2, Section 4 of the Regulations states,

#### “Meetings of local authorities

4. (1) In respect of a reference in any enactment to a meeting of a local authority, that authority may, as they may determine,
- (a) hold such meetings and at such hour and on such days; and
  - (b) alter the frequency, move or cancel such meetings, without requirement for further notice.
- (2) Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine.”

### 3. Flexibility

- 3.1 As was intended by these Regulations, they allow the Authority flexibility in dealing with Authority meetings and elected posts of Members, with available options ranging from seeking to proceed as normal with meetings and appointments through to deferring meetings and extending elected posts “until such time as the Authority may determine”, though with the constraint that it cannot apply to meetings after 7 May 2021.

### 4. CV19 Circumstances

- 4.1 CV19 lockdown and working arrangements and the nature of the Authority Membership still necessitates use of virtual/remote meetings. Accordingly, to seek to proceed as normal with meetings and appointments would be problematic in terms of technical issues and time/resources/processes required. There would be particular difficulties in relation to any requirement for a secret ballot for contested posts.

4.2 Conversely it is recognised that an extension of all elected posts will impact upon the opportunity for incumbent Members to step down and new Members to step forward.

4.3 Some discussion has taken place between members and Officers on these issues and there appears to be a broad acceptance that, on balance, it is appropriate to extend all elected posts for a limited period of time, subject to a reasonable review process. This report seeks to fully resolve the position.

## 5. **Members Attending as an Observer, Substitutes and Co-Option**

5.1 Standing Order 22 b) allows Members to attend a Committee as an observer.

Pursuant to Standing Order 27, the Authority adopted a "Protocol for Arranging Substitute Members for Committees and Forums" in 2013. The Authority's current Standing Orders do not allow scope to "co-opt". Standing Orders can be suspended but that would not enable the creation of a "co-opt" process. To amend Standing Orders to allow one would need to be resolved by two Full Authority meetings. As Planning Committee is made up of all Authority Members these arrangements for 'Observer' or 'Substitute' Members would primarily apply to meetings of FRASC and possibly the Urgency Committee.

## 6. **Proposed Arrangement**

6.1 **In view of the above information the proposed arrangement for the extension of elected posts of Members is,**

**- to make use of the provisions of the 'Flexibility' Regulations and extend all present appointments, including Committee and Forum Chairs,**

**- at this stage the extension is intended to last until the first Full Authority meeting after 7 May 2021, but the arrangement will be reviewed at both the November and December Full Authority meetings,**

**- Members are able to attend meetings as an "Observer" or as a "Substitute" subject to the relevant protocols for those being followed.**

6.2 To avoid unnecessary risk Officers urge Members to avoid, as far as possible, causing over-complication with use of 'Observer' and 'Substitute'. The Authority does still need to follow reasonable processes in meetings. Decision-making must continue to be reasonable, in accordance with legal rules, the Authority's constitutional documents, and Members Code of Conduct, and carried out in ways that are clearly and transparently correct and appropriate. The use of "Substitute" is primarily designed to avoid meetings being inquorate.

6.3 Officers strongly suggest that the Committees Officer (Vanessa Burgess) and Deputy Monitoring Officer (Richard Smith) be notified in advance of all use of 'Observer' and 'Substitute' so that any issues that might arise can be addressed.

## 7. **Financial and Staffing Implications**

7.1 The proposal in paragraph 6 of this Report is a cost-effective solution that avoids excessive use of Staff time and resources.

## 8. **Risks and Legal Implications**

8.1 To avoid creating unnecessary risk of legal challenge the Authority should follow reasonable processes in meetings, and decision-making must continue to be

reasonable and carried out in ways that are clearly and transparently correct and appropriate.

- 8.2 There is no requirement to amend Authority Standing Orders to implement the provisions of the 2020 Regulations.

**9. Recommendation**

- 9.1 To approve the proposed arrangement in paragraphs 6.1, 6.2 & 6.3 of this Report.

**Appendices for this Report - None.**

**Background Papers for this Report-** Existing Standing Orders and Member Appointments

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